



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

NOV 09 2017

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Michael Saldarelli, Jr.
Director of Environmental Compliance
Midwest Marine Terminals
19001 Old Lagrange Road
Mokena, Illinois 60448

Re: Reissued Notice of Violation
Midwest Marine Terminals
Chicago, Illinois

Dear Mr. Saldarelli, Jr.:

The U.S. Environmental Protection Agency is reissuing the enclosed Notice of Violation (NOV) to Midwest Marine Terminals under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). The NOV was originally issued to Ozinga Brothers, Inc. on September 19, 2017, and it is being reissued under the Midwest Marine Terminals name because of information provided by the company during an October 19, 2017 meeting.

Sincerely,

Sara Bruneman

for Edward Nam
Director
Air and Radiation Division

Enclosure

cc: Julie Armitage, Chief
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794

Mort Ames
City of Chicago Law Department
Assistant Corporation Counsel Supervisor
30 N. La Salle Street, Suite 1400
Chicago, Illinois 60602

Dave Graham
Chicago Department of Public Health
Assistant Commissioner
333 S. State Street, Room 200
Chicago, Illinois 60604

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Midwest Marine Terminals
Chicago, Illinois

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

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) **NOTICE OF VIOLATION**
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) **EPA-5-17-IL-11**
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NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1). EPA finds that Midwest Marine Terminals is violating the Illinois State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. The CAA, 42 U.S.C §§ 7401, *et seq.*, and the regulations promulgated thereunder, establish a statutory and regulatory scheme designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its population.
2. On February 21, 1980, EPA approved 35 Ill. Admin. Code § 212.301 as part of the federally enforceable SIP for Illinois. 45 Fed. Reg.11493.
3. Illinois SIP Rule 212.301 states, "[n]o person shall cause or allow the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally toward the zenith at a point beyond the property line of the emission source."
4. On February 21, 1980, EPA approved 35 Ill. Admin. Code § 212.306 as part of the federally enforceable SIP for Illinois. 45 Fed. Reg.11493.
5. Illinois SIP Rule 212.306 states, "All normal traffic pattern access areas surrounding storage piles specified in Rule 203(f)(3)(A) [Section 212.304] and all normal traffic pattern roads and parking facilities which are located on mining or manufacturing property shall be paved or treated with water, oils or chemical dust suppressants. All paved areas shall be cleaned on a regular basis. All areas treated with water, oils or chemical dust suppressants shall have the treatment applied on a regular basis, as needed, in accordance with the operating program required by Rule 203(f)(3)(F) [Sections 212.309, 212.310 and 212.312]."

Midwest Marine Terminal

6. Midwest Marine Terminals owns or operates a bulk solid storage and handling facility at 11701 South Torrence, Chicago, Illinois (Midwest Marine Terminals or Facility).
7. Midwest Marine Terminals is registered in the Registration of Smaller Sources (ROSS) Program with the Illinois Environmental Protection Agency (IEPA). The ROSS Program is detailed at 35 Ill. Adm. Code 201.175.
8. Emissions from the Facility are subject to fugitive dust requirements in the Illinois SIP at 35 Ill. Admin. Code § 212.301.
9. Emissions from the Facility's roadways are subject to the fugitive dust requirements in the Illinois SIP at 35 Ill. Admin. Code § 212.306.
10. EPA conducted an unannounced inspection at the Facility on August 16, 2017, including the City of Chicago, Department of Public Health.
11. During the August 16, 2017, inspection, EPA inspectors witnessed dust crossing the property line, out the exit of the facility, along the west property line.
12. During the August 16, 2017, inspection, EPA inspectors witnessed dust crossing the property line, over the Calumet River, along the east property line.
13. During the August 16, 2017, inspection, EPA inspectors witnessed un-watered, uncontrolled roadways generating fugitive dust. No watering, cleaning or treatment of any kind was observed on the roadways or traffic patterns, as needed.

Violations

14. On August 16, 2017, Midwest Marine Terminals violated the Illinois SIP at 35 Ill. Admin. Code § 212.301, for failure to control fugitive dust from the Facility.
15. On August 16, 2017, Midwest Marine Terminals violated the Illinois SIP at 35 Ill. Admin. Code § 212.306, for failure to control dust from the roadways and traffic areas at the Facility.

Environmental Impact of Violations

16. These violations have caused excess emissions of particulate matter.

Particulate Matter: Particulate matter, especially fine particulates contains microscopic solids or liquid droplets, which can get deep into the lungs and cause serious health problems. Particulate matter exposure contributes to:

- irritation of the airways, coughing, and difficulty breathing;
- decreased lung function;
- aggravated asthma;
- chronic bronchitis;
- irregular heartbeat;
- nonfatal heart attacks; and
- premature death in people with heart or lung disease.

Date

11/9/17

for

Sara Brunema
Edward Nam
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I certify that I sent a reissued Notice of Violation, No. EPA-5-17-IL-11, by Certified

Mail, Return Receipt Requested, to:

Michael Saldarelli, Jr.
Director of Environmental Compliance
Midwest Marine Terminals
19001 Old Lagrange Road
Mokena, Illinois 60448

I also certify that I sent copies of the reissued Notice of Violation by first-class mail to:

Julie Armitage, Chief
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794

Mort Ames
City of Chicago Law Department
Assistant Corporation Counsel Supervisor
30 N. La Salle Street, Suite 1400
Chicago, Illinois 60602

Dave Graham
Chicago Department of Public Health
Assistant Commissioner
333 S. State Street, Room 200
Chicago, Illinois 60604

On the 9th day of November 2017.



Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 006 1453 9414